

CHAPTER 33-04-10 PERMITS

Section

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33-04-10-01. Hospital disposition of fetus. A hospital, by written authorization of the parents, may dispose of a dead fetus of any period of gestation. A burial-transit permit must also be obtained for the disposition of a fetus if the fetus has reached gestation period of twenty completed weeks.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-04

33-04-10-02. Removal of body.

1. **Requirements for removal of body.** Before removing a dead body or fetus from the place of death, the funeral director or person acting as such shall:
 - a. Obtain assurances from the attending physician that death is from natural causes and that the physician will assume responsibility for certifying to the cause of death or fetal death; or
 - b. Contact the coroner if the case comes within the coroner's jurisdiction and receive authorization from the coroner to remove the body.

If the body is to be removed from the registration district where death occurred or where the body is found, prior to the obtaining of a burial-transit permit, the funeral director or person acting as such shall notify the local registrar of the registration district of such removal, and give the local registrar the following information regarding the decedent and removal: name of the decedent; sex; date; date and place of death; cause of death, if known; name and address of the funeral director; and the place to which the body is to be removed.

2. **Burial transit permits.** The original burial-transit permit shall be filed in that registration district in which final disposition takes place.

All subregistrars shall obtain supplies of burial-transit permits from local registrars in counties served by their respective funeral homes and shall return all completed stub sections of such burial-transit permits to the

local registrar upon demand, but at no time to exceed a period of one year.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-04

33-04-10-03. Disposal of permits. Burial-transit permits must be retained by the local registrar and may only be disposed of with the prior written approval and consent of the state registrar, and under no circumstances may they be disposed of prior to twenty-five years from the date of issuance.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-04

33-04-10-04. Disinterment permits. A disinterment permit shall be issued by the state registrar upon receipt of a written application signed by the next of kin and licensed embalmer who is in charge of the disinterment or upon receipt of an order of a court of competent jurisdiction directing such disinterment. Upon receipt of a court order or signed permission of the next of kin, the state registrar may issue one permit to authorize the disinterment and reinterment of all remains in a mass disinterment provided that insofar as possible the remains of each body be identified and place of disinterment and reinterment be specified. The disinterment permit shall be the authorization for disinterment, transportation, and reinterment.

A dead body properly prepared by an embalmer and deposited in a receiving vault shall not be considered a disinterment when removed from the vault for final burial.

General Authority: NDCC 23-02.1-04, 28-32-02

Law Implemented: NDCC 23-02.1-04